

## **REMARKS**

Applicants have carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

As a preliminary matter, Applicants thank Examiner Lee for the courtesy extended to Applicants' representative, Jacob M. Ward, Reg. No. 56,754, during the informal telephone interview on January 26, 2009. During the interview, the Examiner clarified that U.S. Pub. No. 2002/0138905 is the correct number for the cited Bartlett et al. reference. The Examiner agreed to consider the distinctions identified in the present Request for Reconsideration, and to call Applicants' representative concerning questions or suggestions that the Examiner may have in relation thereto.

Claims 11, 12, 15-18, and 20-25 remain pending in the application.

Claims 1-10, 13-14, and 19 have been cancelled.

No new matter has been added.

Reconsideration of the application is respectfully requested in view of the following comments.

Claims 15-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Swatt (US Patent No. 3,644,946) in view of Adams (US Patent No. 6,357,065), Allen et al. (US Pub. No. 2001/0001163), and Brooke et al. (US Patent No. 6,728,985). Claims 11, 12, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Swatt in view of Adams, Allen et al. and Brooke et al., and further in view of Spath (US Patent No. 4,847,930). Claims 20 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Swatt in view of Adams, Allen et al. and Brooke et al., and further in view of Bartlett et al. (U.S. Pub. No. 2002/0138905). Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Swatt in view of Adams, Allen et al., Brooke et al., and Spath, and further in view of Johnston et al. (US Patent No. 4,409,695). Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Swatt in view of Adams, Allen et al., and Brooke et al., and further in view of Alexander (US Patent No. 6,173,461). Claim 25 was rejected under 35 U.S.C. 103(a) as

being unpatentable over Swatt in view of Adams, Allen et al., Brooke et al., Spath and Bartlett et al. These rejections are respectfully traversed.

Applicants' invention relates to a bariatric patient management system. The system includes a main frame having a first end and a second end. A backrest section is disposed on the main frame adjacent the first end. The backrest section includes at least one backrest panel, a backrest side pull out extension slidingly disposed in a side of the backrest section, and a backrest actuator linked to said backrest section. The backrest actuator selectively causes an inclination of the backrest panel. A middle section is disposed on the main frame adjacent the backrest section. The middle section includes at least one middle panel and a middle side pull out extension. The middle side pull out extension is slidingly disposed in a side of the middle section. A leg section is disposed on the main frame adjacent the middle section. The leg section includes at least one leg panel, a leg side pull out extension slidingly disposed in a side of the leg section, and a leg actuator linked to the leg section. The leg actuator selectively causes an inclination of the leg panel. A foot section is disposed on the main frame adjacent the leg section and the second end of said main frame. The foot section includes at least one foot panel, a foot side pull out extension slidingly disposed in a side of the foot section, and a foot actuator linked to said foot section. The foot actuator selectively causes an inclination of the foot panel relative the frame. The system further includes ground engaging wheels disposed on the main frame to facilitate a transporting of the bariatric patient management system. An extensible end pull out extension is slidingly disposed in one of the first end and the second end of the main frame. The extensible end pull out extension facilitates a lengthening and a shortening of the bariatric patient management system. A side rail having a plurality of positions is adjustably connected to the backrest side pull out extension. An ingress/egress bar is adjustably connected and pivotally mounted to the foot side pull out extension. The backrest panel, the middle panel, the leg panel, and the foot panel cooperate to form a mattress supporting surface, and the backrest side pull out extension, the middle side pull out extension, the leg side pull out extension,

and the foot side pull out extension cooperate to selectively increase a width of the mattress supporting surface. The system may further include at least one load cell mounted between the wheels and the main frame.

As established further herein, the cited art in any combination do not teach or suggest: A) a foot actuator linked to the foot section **to selectively cause an inclination** of the foot panel relative the frame (Claims 18 and 25); B) a trapeze base frame having a two-point mounting configuration having **a pair of fixed outwardly extending arms disposed on the main frame adjacent the first end** (Claim 21); C) at least one load cell mounted between one of the wheels and the main frame, wherein **the main frame includes a hollow member supporting the load cell** (Claim 24); D) extensible end pull out extensions **slidingly disposed in one of the first and second ends of the main frame** (Claims 18 and 25); E) a side rail adjustably **connected to the backrest side pull out extensions**, the side rail having a plurality of positions (Claim 25); and F) an ingress/egress bar adjustably and **pivotally connected to the foot side pull out extension** (Claims 18 and 25).

Swatt describes an adjustable bed that includes a rigid frame 11 with a head rail 12 and a foot rail 11. The adjustable bed includes a bedboard 19 on the rigid frame 11. The bedboard 19 includes a head section panel 22, a stationary seat section panel 21, a thigh section panel 24, and a foot section panel 26. The head section panel 22 is linked to a motor 54 to selectively cause an inclination of the head section panel 22. The thigh section panel 24 is linked to a motor 84 that selectively causes an inclination of the thigh section panel 24. The foot section panel 26 is also linked to the motor 54 which selectively causes an inclination of the foot section panel 26. Arms 93 and 94 also link the foot section panel 26 and the rigid frame 11, but do not selectively cause the inclination of the foot section panel 26. The adjustable bed also includes casters 17 for supporting the rigid frame 11 (Swatt at col. 2, line 7; col. 3, lines 52-75; col. 4, lines 1-38; and in FIG. 3). However, Swatt does not disclose: a foot actuator linked to the foot section to selectively cause an inclination of the foot panel relative the frame; a trapeze base frame having a two-point mounting

configuration having a pair of fixed outwardly extending arms disposed on the main frame adjacent the first end; backrest, middle, leg, and foot side pull out extensions slidably disposed in the same sections; at least one load cell mounted between one of the wheels and the main frame; extensible end pull out extensions slidably disposed in one of the first and second ends of the main frame; a side rail adjustably connected to the backrest side pull out extensions, the side rail having a plurality of positions; and an ingress/egress bar adjustably and pivotally connected to the foot side pull out extension.

Adams is cited as a teaching of side pull out extensions. Adams discloses a variable width bariatric bed that includes a frame 1 coupled to head, seat, thigh, and foot support deck sections 50, 52, 54, 56, each having respective side pull out extensions 76-79. The side pull out extensions 76-79 of Adams appear to be slidably disposed in the head, seat, thigh, and foot support deck sections 50, 52, 54, 56. The bariatric bed also includes four electric lift motors 6, 8, 58, 64 that generate pushing forces to cause the various head, seat, thigh, and foot support deck sections 50, 52, 54, 56 to lift as desired (Adams at col. 3, lines 58-67; col. 4, lines 40-46; col. 5, lines 56-67; col. 6, lines 1-21; and in FIG. 3). However, the lift motors 6, 8, 58, and 64 are disposed in a central motor section 11, and not on the deck sections 50, 52, 54, 56 as recited in the present claims.

Allen is cited as a teaching of extensible end pull out extensions. Allen discloses an adjustable bed having a foot deck section 16 that includes a first section 52 connected to a frame 18 and a second section 54 movable along the plane of the first section 52. A foot prop 56 is mounted to the second section 54 and extends transverse to the plane of the first and second sections 52, 54. It should be appreciated that the foot deck section 16 is not disposed in one of the first and the second ends of the frame 18 as recited in the present claims. Instead, the foot section 16 is clearly connected to the frame 18. For example, the foot section 16 may be pivotally connected so as to allow the foot section 16 to drop and to be used in various styles of beds or chair beds (Allen at paragraphs [0041]-[0043], and in FIGS. 1, 2, and 17). The Allen foot section 16 is typically mounted to the deck frame 18 with a hinge plate 70. The hinge plate

70 mates with a hinge plate 72 on the deck frame 18 (Allen at paragraph [0045]). The foot deck section 16 of Allen is clearly not disposed in one of the first and second ends of the frame 18.

Brooke is cited as a teaching of side rails and an ingress/egress bar. Brooke discloses a hospital bed 10 that includes a frame 112 with side rails 150, 152 attached to a head portion 128 of the frame 112. The side rails 150, 152 are adjustable between an upward position and a downward position (Brooke at col. 4, lines 29-52; and in FIG. 2). Side rails 122, 124 are also mounted to a foot portion 132 of the frame 112 and are movable between upward and downward positions to permit ingress onto and egress from the support surface 116 (Brooke at col. 3, lines 21-27). However, Brooke does not teach or suggest attaching side rails or ingress/egress bars to a side pull out extensions because Brooke does not disclose side or foot pull out extensions. Indeed, the Examiner has not articulated a reason why one of ordinary skill in the art would modify Swatt and Adams in view of Brooke as the Examiner has suggested, particularly when Brooke clearly states otherwise that the side rails 122, 124, 150, 152 are mounted to portions of the frame 112. The side rails 122, 124 for ingress/egress also are not pivotally mounted as recited in the present claims. The side rails 122, 124 are connected via a pair of bars (i.e., not to a single pivot point) to the frame 112.

Spath is cited as a teaching of a trapeze base frame. Spath discloses a hospital bed 25 with a foot board 26, a head board 27, a bed frame 28, and a raising device 29. The raising device 29 includes a support 34 in which an oval tube 30 is disposed. The raising device 29 is connected to a head board 27 with an upper suspension fixture 33. The raising device 29 also has a guide tube 6 that sits on a carrier plate 31 attached to lower part of the head board 27 (Spath at col. 2, lines 52-68; col. 3, lines 1-36; and in FIG. 1). Spath clearly does not teach or suggest a trapeze base frame having a pair of outwardly extending arms disposed on a frame as recited in the present claims.

Bartlett is cited as a teaching of a load cell mounted between a wheel and a main frame. FIG. 31 and paragraph [0166] of Bartlett describe a load cell 422

that is "caster mounted". In contrast to the present Claim 24, however, Bartlett does not describe "wherein the main frame includes a hollow member supporting the load cell". The Examiner's attention is respectfully directed to Applicants' FIGS. 4 and 7 and paragraph [0026], which illustrate where a hollow cross member 74 of the main frame supports a load cell 72 by having the load cell 72 disposed in the cross member 74. Bartlett at FIG. 31, which is merely a schematic block diagram, clearly does not teach or suggest that the load cell 422 is supported in a hollow cross member of the main frame.

Johnston is cited as a teaching of spring loaded engagement pins in adjustable beds. The spring loaded engagement pins of the present claims are used in relation to a plurality of apertures for locking the trapeze boom in a desired position. In contrast, the Examiner cited spring loaded engagement pins 87 of Johnston that are employed to adjust a length of foot rests 7 to adapt to a length of a particular patient (Johnston at col. 5, lines 54-68; and in FIG. 1). There is no teaching or suggestion in Johnston to use spring loaded engagement pins with trapeze base frames as recited in present Claim 22.

Alexander is cited as a teaching of a motor coupled to a wheel. Indeed, Alexander discloses a support unit for an individual suffering from spinal or other incapacitating injuries to enable them to be supported in various attitudes. The support unit includes at least one motor adapted for powering by the means for energizing some or all of the ground engaging means to provide for propulsion of the support unit.

In conclusion, the cited art in any combination do not teach or suggest the following elements recited in the claims of the instant application:

- A) Claims 18 and 25** - a foot actuator linked to the foot section to selectively cause an inclination of the foot panel relative the frame;
- B) Claim 21** - a trapeze base frame having a two-point mounting configuration having a pair of fixed outwardly extending arms disposed on the main frame adjacent the first end;

- C) Claim 24** - at least one load cell mounted between one of the wheels and the main frame, wherein the main frame includes a hollow member supporting the load cell;
- D) Claims 18 and 25** - extensible end pull out extensions slidably disposed in one of the first and second ends of the main frame;
- E) Claim 25** - a side rail adjustably connected to the backrest side pull out extensions, the side rail having a plurality of positions; and
- F) Claims 18 and 25** - an ingress/egress bar adjustably and pivotally connected to the foot side pull out extension.

Accordingly, Claims 11-12, 15-18, and 20-25 are non-obvious and patentable over the art of record.

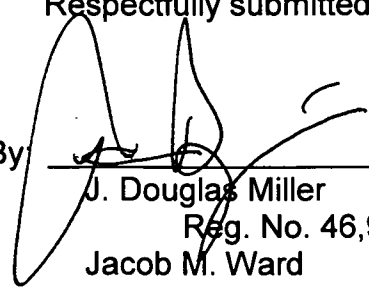
It is submitted that the present claims clearly define Applicant's invention and distinguish it from the prior art of record. Reconsideration of the application is respectfully requested and a formal Notice of Allowance is solicited.

The Applicants' attorney has made a sincere effort to properly define Applicants' invention and distinguish the same from the prior art. Should the Examiner deem that other language would be more appropriate, however, it is respectfully requested that a telephone interview be had with Applicants' attorney in order to expedite the prosecution of the application.

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Respectfully submitted,

By

  
\_\_\_\_\_  
J. Douglas Miller  
Reg. No. 46,932  
Jacob M. Ward  
Reg. No. 56,754

Fraser Clemens Martin & Miller LLC  
28366 Kensington Lane  
Perrysburg, OH 43551  
(419) 874-1100

JDM/JMW